prepared by the
Crown Land Classification Committee

Manitoba

March 15, 1984

APPROVED BY
PROVINCIAL LAND
USE COMMITTEE

CROWN LAND USE CLASSIFICATION PLAN for NOR - MAC PLANNING DISTRICT

TABLE OF CONTENTS

I. INTRODUCTION 1

II. ADMINISTRATION 1

III. GENERAL LAND USE CONSIDERATIONS 2

IV. OVERVIEW 5

V. CROWN LAND USE CLASSIFICATIONS

A. Agriculture-Native Environment Lands Co-Major
- Present Condition -- Concerns/Objectives -- Policies/Guidelines 7

B. Natural Lands
- Present Condition -- Concerns/Objectives -- Policies/Guidelines 8

C. Wildlife Lands
- Present Condition -- Concerns/Objectives -- Policies/Guidelines 9

D. Wildlife Dominant - Agriculture Minor
- Present Condition -- Concerns/Objectives -- Policies/Guidelines 10

E. Water Retention
- Present Condition -- Concerns/Objectives -- Policies/Guidelines 11

F. Urban Use
- Present Condition -- Concerns/Objectives -- Policies/Guidelines 12

VI. OTHER CONSIDERATIONS 13

VII. GENERAL PLAN IMPLEMENTATION 14

MAPS

Map 1. Crown Land Classification Plan, March 15, 1984

APPENDICES

Appendix 1. Site Specific Crown Land Classifications

RECORD OF AMENDMENTS

CROWN LAND CLASSIFICATION PLAN
FOR
NOR-MAC PLANNING DISTRICT

I. INTRODUCTION

The management and administration of Crown land is shared by the Departments of Natural Resources and Agriculture. The Agricultural Crown Lands Branch issues agricultural leases and permits of occupation or use for those Crown lands which are designated by the Minister of Natural Resources as: primarily agricultural lands; and multiple use lands which may be used for agricultural purposes on an interim or secondary use basis, subject to specific conditions and covenants required by other resource users.

The principal responsibility for Crown land remains with the Department of Natural Resources, which administers the Crown Lands Act excepting those specific sections under the responsibility of the Minister of Agriculture.

The classifying to use of Crown land in Agro-Manitoba is the responsibility of the Crown Land Classification Committee (CLCC). This is an interdepartmental group with representation from the Departments of Agriculture, Natural Resources and Municipal Affairs. The Crown Land Classification Committee reports to and receives its direction from the Provincial Land Use Committee of Cabinet.

The Crown land use classification plan presented in this report is the end result of the integration of the Crown land classification map prepared by the Crown Land Classification Committee, and the various requirements for management and administration of the Departments of Government, particularly the Departments of Natural Resources and Agriculture.

The Crown land classification plan applies only to Crown land, the jurisdication of which remains the responsibility of the Manitoba Government.

II. ADMINISTRATION

This plan is prepared by the Crown Land Classification Committee. The land use, as per the plan, is administered by the Department of Agriculture, Agricultural Crown Lands Branch, and the Department of Natural Resources, Lands Branch.

The Crown Land Classification Committee shall upon consultation with the municipality(ies) and/or the planning district board present the plan for approval to the Provincial Land Use Committee of Cabinet.

The Crown Land Classification Committee shall consult with the municipality(ies) and/or the planning district board when amendments to the plan are being considered. Crown lands which may be designated in the future by Order-in-Council to Provincial Park, Provincial Forest, Wildlife Management Area, Community Pasture etc. constitute an amendment to the plan, and consultation with the local planning authority is required. All amendments to the plan will be presented to the Provincial Land Use Committee.

III. GENERAL LAND USE CONSIDERATIONS

There are a number of basic concepts, principles and guidelines which must be considered in classifying the use of Crown lands. These considerations influence the ultimate use, intensity of use and management of Crown land. Specifically:

A) Crown land classification is guided by Provincial Land Use Policies with management of Crown lands carried out in accordance with Provincial Acts and Regulations. The classification of Crown land will be undertaken with appropriate consideration given to lcoal needs.

B) Where there has been significant public or private investment, affected Crown land will be managed to the best advantage of the use for which the investment was made.

C) Normal management practices on all Crown land shall include: the application of multiple land use principles; the protection and improvement of the land's long term productive capacity; the minimization of erosion and other destructive processes; and the utilization of the land consistent with its inherent capabilities with due consideration given to intensive management.

D) For Crown lands under agricultural lease the following applies:

1) the right of public access shall be in accordance with such acts, regulations and contracts that are in place from time to time,
2) access is guaranteed to quarry lease operations subject to compensation being negotiated relative to loss of privately owned improvements,
3) the right of the Province to enter a leased area and to withdraw lease rights on lands for utility rights-of-way, is guaranteed,
4) lands having greater than 9% slope must be maintained in native cover or permanent forage,
5) a buffer strip of woody vegetation not less than 45 meters (150 feet) in width must be retained within 90 meters (300 feet) of all municipal and provincial roads,
6) a buffer strip of natural vegetation from 45 to 90 meters (150 to 300 feet) wide must be left adjacent to all water courses and permanent water bodies,
7) no wetland shall be drained or filled without approval,
8) topsoil and leaf mat shall not be removed,
9) all livestock must be contained (e.g., fenced). Strips of 15 meters (50 feet) in width per lease can be cleared for fencelines, and
10) merchantable timber is subject to stumpage rates if it is marketable. The Crown retains the right to issue cutting rights to the public by way of timber sale and/or timber permits to harvest timber contained thereon. Merchantable timber thus harvested is subject to the payment of stumpage rates.

E) Survey monuments defining Township, Section and Quarter Section corners shall not be destroyed.

F) In general, non-conforming uses on Crown land will be allowed to continue until the existing commitment expires or a suitable alternative site for the use can be found.

G) The Crown land plan is limited, in general, to the classification of the surface use of the land. Nothing in the classification, except where indicated in the plan will preclude or limit future mineral extraction from Crown lands where approved by the Provincial Government.

H) Sites, structures and areas of historical, architectural and/or archaeological significance exist on Crown land. Those sites identified shall be protected from uses and activities that would endanger them until such time as appropriate measures (mitigative, retention etc.) are determined.

I) Lakes, streams, rivers, creeks, etc. which are identified as significant fisheries habitat areas shall be protected. The use of Crown lands adjacent to these waterways and particularily spawning sites and/or nursery areas shall be controlled and managed to minimize damage to fish stocks and fish habitat from siltation, nutrient loading, disturbance and water quality degradation. Manitoba's Surface Water Quality Objectives shall be used to ensure protection for end uses such as fisheries. Management of these adjacent lands shall be in accordance with approved fish habitat protection guidelines and includes but is not limited to controlling the ditching and re-channelization in such areas, controlling the clearing, cultivation, timber harvesting, and developing of sites to the water's edge, maintaining or creating natural vegetation buffers of varying widths as required etc.

J) Stream crossings shall not adversely affect fish habitat or populations. Where crossings may affect fish habitat, the crossing should be designed and constructed with reference to "Recommended Fish Protection Procedures for Stream Crossings in Manitoba" prepared by the Department of Natural Resources.

K) Water quality shall not be adversley affected by Crown land uses. Activities and intensive shoreland developments that discharge pollutants shall be restricted in their location and it may be required that precautionary safeguards which mitigate the adverse effects of pollution be incorporated into the development. The activities and developments shall meet Manitoba's Surface Water Quality Objectives. Shorelands shall be protected from excessive erosion which might affect water quality.

L) The right of public access to Crown land and water for the purposes of sport angling, commercial fishing, hunting, trapping, outdoor recreation pursuits and general access etc. shall be maintained in accordance with such acts, regulations and contracts that are in place from time to time.

M) Permanent development (i.e., residences, summer homes, cottages, commercial buildings etc.) shall be assessed for hazards such as flooding, erosion or bank instability. In general, development shall be subject to the following requirements, excepting under special economic and social circumstances.

   a) All permanent development shall be located on land above the 100 year flood level. When it is not possible to estimate the above flood level due to insufficient hydrometric data on the waterway, then an elevation of 1.5 meters (5.0 feet) above the high water mark would be used.

b) Land which may be eroded away within a period of 50 years shall be excluded from development unless it is demonstrated that the erosion process has been halted.

c) Development shall not be permitted on lands subject to bank instability, landslides, or subsidence.

d) Use of Crown lands in Water Power Reserves and Licence Areas must conform to the above and must not be required for water power purposes. Approval for development is required from the Water Resources Branch.

e) In order to minimize surface water quality degradation, development and use of surface water resources should not exceed the carrying capacity.

N) Activities such as dumping, excavation, clearing, cultivation, or excessive grazing which would accelerate or promote dangerous erosion or bank instability will be prohibited.

O) Activities that may cause pollution under normal operating conditions or by accident should not be permitted in the groundwater pollution hazard area unless it can be proved by adequate field investigations that the proposed activities will not cause pollution of existing or potential groundwater supply in the area.

P) Groundwater consumption should not exceed the total sustained yield of an aquifer.

Q) Wells should be installed in a manner that would not have a detrimental effect on aquifers.

R) Intensive development (e.g., subdivisions) and high capacity wells will be permitted only in areas where they will not cause a reduction in water supply for existing users.

S) The plan does not restrict the Province from entering or withdrawing Crown lands for utility rights-of-ways, highways, roads, drains, etc. subject to normal clearance and approval procedures.

IV. OVERVIEW

In the Nor-Mac Planning District, there are approximately 1655 hectares (4100 acres) of Crown land, excluding most land under permanent water bodies. This Crown land base represents less than 1.5 percent of the land within the District.

Within the District, Crown land has been committed to a variety of uses. Most commitments to use are made via agricultural lease or permit. Of the Crown land in the District over 50 percent has been committed or classified for some agricultural use.

ORDER-IN-COUNCIL AREAS

There is no Crown land presently designated by Order-in-Council to Provincial Park, Forest, Community Pasture or Wildlife Management Area (WMA).

However, a number of parcels in the District have been proposed as Wildlife Management Areas and some or all of these lands may be designated by Order-in-Council to WMA in the future.

FISHERY HABITAT

There are only a few waters with fish populations significant to the local area and the province in the Planning District. Jackson Lake is the most notable as it supports a summer and winter fishery based largely on northern pike. Pine Creek supports a small brook trout fishery and Hidden Valley Lake on Squirrel Creek (East) provides a small pike fishery and periodic stream fishing in the Austin area. Squirrel Creek and Willow Bend Creek although intermittent serve as spawning and nursery areas for northern pike and suckers.

Activities adjacent to shorelines can adversely impact fish habitats and water quality. This plan recognizes and protects critical fishery habitat from adjacent Crown land uses in accordance with approved fish habitat protection guidelines, and Manitoba's Surface Water Quality Objectives.

Of particular concern is the protection of the existing fisheries habitats, spawning sites and nursery areas of Jackson Lake, Hidden Valley Lake, Pine Creek and Willow Bend Creek, Map 1.

V. CROWN LAND USE CLASSIFICATIONS

There are six basic classifications delineated in this classification plan (Map 1). They are:

A. Agriculture-Native Environment Lands Co-Major

B. Natural Lands

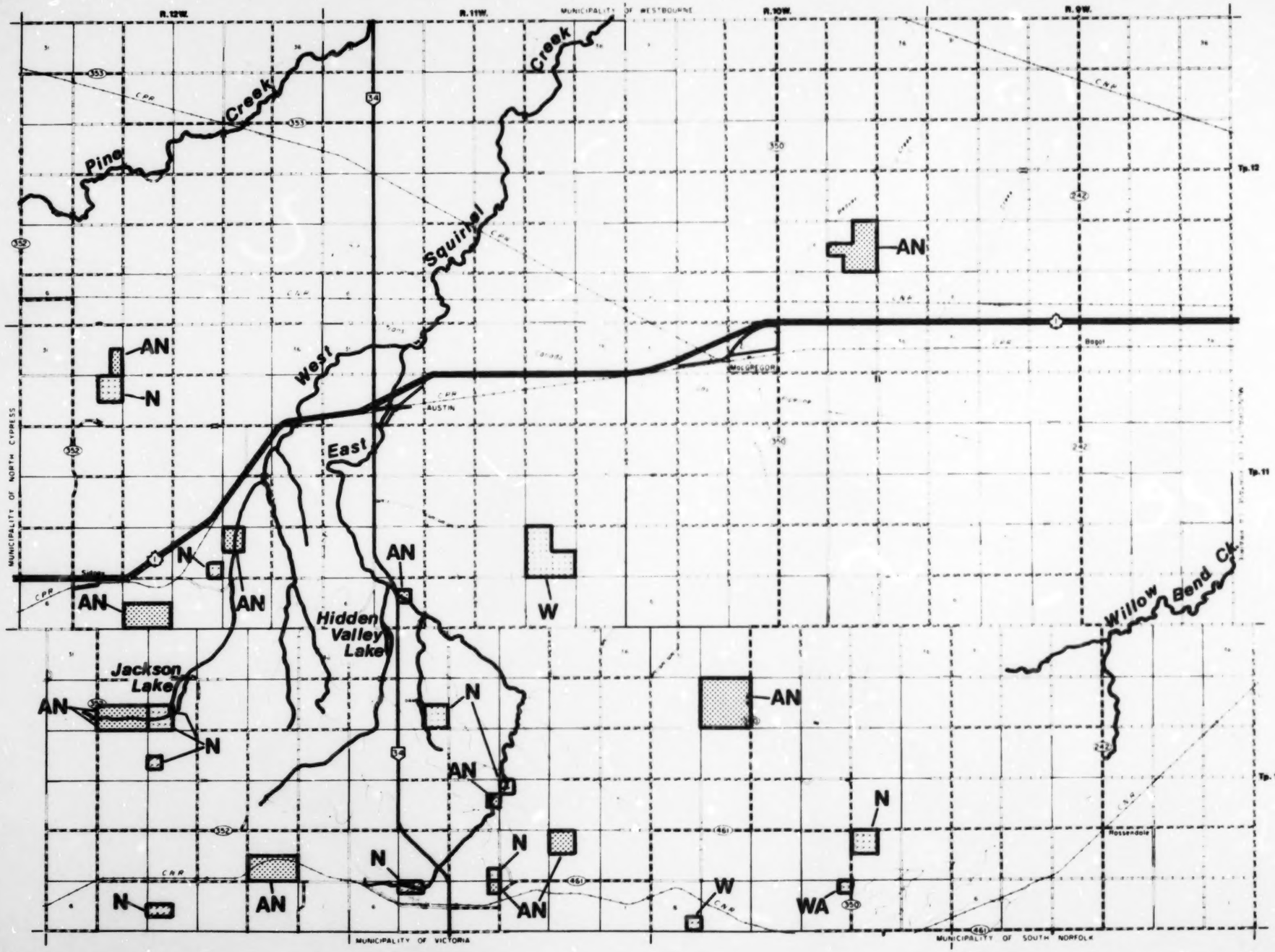
C. Wildlife Lands

D. Wildlife Dominant-Agriculture Minor

E. Water Retention

F. Urban Use

The classifications on the Crown Land Classification Plan map and the associated guidelines apply only to the Crown land.



MAP 1.

CROWN LAND CLASSIFICATION PLAN (MARCH 15, 1984)

AN - AGRICULTURE - NATIVE ENVIRONMENT LAND CO - MAJOR

N - NATURAL LANDS

W - WILDLIFE LANDS

WA - WILDLIFE DOMINANT - AGRICULTURE MINOR

B - WATER RETENTION

U - URBAN USE

} not shown on map

Significant Fisheries Habitat

Revised --	

NOR - MAC PLANNING DISTRICT

A. Agriculture-Native Environment Lands Co-Major: Classification AN - As Shown on The Crown Land Classification Plan, Map 1

PRESENT CONDITION

Of the Crown land in the Planning District approximately 50 percent has been classified for agriculture and natural resources. This represents the largest category of Crown land in the District.

CONCERNS/OBJECTIVES

In recognition of the competing demands for and the importance of the integration of agricultural and resource demands within the Planning District, suitable areas are delineated for the mutual benefit of agriculture and natural resources.

Some of these Crown lands have been suggested for possible official designation through Order-in-Council as Wildlife Management Area. However, existing policies and guidelines as described would still continue for these lands.

POLICIES/GUIDELINES

1. Agriculture-Native Environment Lands Co-Major - AN

To integrate agricultural and natural resource production, protection, and utilization in a mutually compatible manner, the following apply:

1a) These areas are available for agricultural use, however, management, use and intensity of use will be in keeping with the interests of agriculture and resources. Management is the joint responsibility of the two Departments.

1b) Administration of agricultural leases is the responsibility of the Agricultural Crown Lands Branch.

1c) Depending on the particular quarter section hay, grazing or some cultivation may be allowed. All are available for long term commitment to agriculture. Development may be allowed, however, it is limited to protect some of the existing native vegetation for a number of purposes.

1d) Other general land uses of the Crown land may be permitted if compatible with the basic intent of the classification.

B. Natural Lands: Classification N - As Shown on The Crown Land Classification Plan, Map 1

PRESENT CONDITION

There are approximately 400 hectares of Crown land which has been identified as being sufficiently erosion prone or fragile to warrant protection from intensive use. These lands have therefore been classified as natural lands. In general these lands are either erosion prone because of sandy soils, or steep slopes (ravines) or are marshy areas requiring protection.

Some of these Crown lands have been suggested for possible official designation through Order-in-Council as Wildlife Management Area.

CONCERNS/OBJECTIVES

To protect ecologically sensitive areas from detrimental land uses.

POLICIES/GUIDELINES

2. Natural Lands - N

The following shall apply:

2a) The area will be kept from development and long term commitment to secondary uses (agriculture-forestry). As such, the area will remain as it occurs in nature.

2b) No development or agricultural use will be allowed at this time.

2c) Other uses may be allowed if considered appropriate by the Department of Natural Resources.

C. Wildlife Lands: Classification W - As Shown on The Crown Land Classification Plan, Map 1

PRESENT CONDITION

Of the Crown land in the Planning District, approximately 210 hectares (520 acres) or 13 percent of the Crown land has been classified for the protection of wildlife habitat.

CONCERNS/OBJECTIVES

Wildlife populations in Manitoba are under continuous and increasing pressure from competing land uses which reduce the availability of habitat. Therefore wildlife habitat is to be maintained, protected and enhanced.

Some of these lands have been suggested for official designation through Order-in-Council as Wildlife Management Areas. However, existing policies and guidelines as described would still continue for these lands.

POLICIES/GUIDELINES

3. Wildlife Lands - W

Management of these Crown lands is the responsibility of the Department of Natural Resources. Specific management and administrative aims may change over time, however, in general, the following apply:

3a) These lands are not available for development because of their importance as habitat. These areas are to remain as they occur in nature, though habitat improvement is not excluded.

3b) These lands may be available for haying, and/or timber harvesting if the use does not interfere with the wildlife objectives for any particular parcel. Approval of any agricultural use will be at the discretion of the Wildlife Branch. Other non-intensive agricultural uses may be allowed if approved by the Wildlife Branch, e.g., bee keeping.

3c) Other general land uses will be restricted to those which are supportive and compatible with the intent of the classification. For example, these lands are available for hiking, cross country skiing, bird watching, nature photography, berry and mushroom picking, etc.

D. Wildlife Dominant - Agriculture Minor: Classification WA - As Shown on The Crown Land Classification Plan, Map 1

PRESENT CONDITION

Of the available Crown land only 16 hectares (40 acres) of Crown land has been classified for wildlife and agriculture.

CONCERNS/OBJECTIVES

In recognition of the importance of wildlife, the basic inherent land capabilities and the need for diversity in the environment, areas must be delineated which have an emphasis toward wildlife and native lands but which allow some agricultural use.

Some of these lands may be considered for official designation through Order-in-Council as Wildlife Management Areas. However, most of these existing policies and guidelines as described would still continue for these lands.

POLICIES/GUIDELINES

4. Wildlife Dominant - Agriculture Minor - WA

To protect wildlife habitat and populations but allowing for some agricultural use, the following apply:

4a) All of these lands are available for some agricultural use. Depending on the particular quarter, hay, grazing or some cultivation may be allowed.

4b) The specific use is generally the responsibility of the Department of Natural Resources, however, administration of the allowed agricultural use remains the responsibility of the Department of Agriculture.

4c) In all cases no new development or clearing is allowed. These lands are not available for long term commitment to secondary uses (agriculture, forestry, etc.) because of the importance to wildlife, as such natural vegetation will be protected, however, habitat improvement is not excluded.

4d) Other general land uses will be restricted to those which are supportive and compatible with the intent of this classification. For example, these lands are available for hiking, cross country skiing, bird watching, nature photography, berry and mushroom picking, etc.

E. Water Retention: Classification B - As Shown on The Crown Land Classification Plan, Map 1

PRESENT CONDITION

The lands so identified are part of a water conservation project completed by PFRA (Canada) around Jackson Lake. The management, operation maintenance and control of the project together with the acquisition of rights-of-way were completed by Canada. However, in 1973 this was turned over to the Province of Manitoba.

The lands involved are:

a) Part NE 28-10-12W, 34.6 hectares
b) Part NW 28-10-12W, 12.7 hectares
c) Part SE 28-10-12W, 16.8 hectares

These lands are not illustrated on the Crown Land Classification Plan; see Plan 1458, Portage la Prairie Land Titles Office.

CONCERNS/OBJECTIVES

The principal objective is to recognize and protect project areas where public investment has been made, i.e., the Jackson Lake Dam and reservoir area.

POLICIES/GUIDELINES

5. Water Retention - Classification B

The following policies/guidelines apply:

5a) These Crown lands shall be administered by the Department of Natural Resources.

5b) Any secondary use i.e., uses not related to the Water control project will only be allowed if it is compatible with the water control project's need for the lands.

F. Urban Use; Classification U - As Shown on The Crown Land Classification Plan, Map 1

PRESENT CONDITION

Crown land parcels may occur within the boundaries of unincorporated and incorporated towns and villages within the Planning District.

While not specifically identified on the Crown Land Classification Plan, these Crown lands are classified for urban use.

CONCERNS/OBJECTIVES

The principal concern is to recognize that Crown lands may be within existing towns and villages and to ensure that the use of these lands is consistent with the urban environment.

POLICIES/GUIDELINES

6. Urban Use - Classification U

To ensure that Crown land use is consistent with the effective and efficient provision of municipal services, the following guidelines apply:

6a) These Crown lands shall be administered by the Department of Natural Resources.

6b) These sites are available for a variety of urban uses provided the use is consistent with any approved plan for the town or village.

6c) The local planning authority shall determine whether any proposed use of Crown land within the boundaries of the town or village conforms to the approved plan.

6d) In the absence of an approved plan for a town or village, the local authority shall determine whether any proposed use is consistent and compatible with the local urban environment.

VI. OTHER CONSIDERATIONS

The Crown land plan identifies the major classification for Crown land. There are and will be other site specific uses which are not indicated in the Plan. Recognition of this fact is important as some specific locations, for example, residences, may not be indicated but are nonetheless protected by the very nature of the legal commitment to individuals through the leasing and permitting process of Crown lands.

All site-specific classifications, that is in general, the classification of Crown land parcels less than 16 hectares (40 acres) are not shown in the plan but are listed in Appendix 1.

VII. GENERAL PLAN IMPLEMENTATION

PLAN APPROVAL AND REVIEW

Plan approval and any subsequent approval of amendments to the plan shall be by the Provincial Land Use Committee of Cabinet.

Existing policy and procedure for plan and amendment approval requires consultation with local planning authorities. Additionally, full review and approval by provincial government departments and agencies through the Interdepartmental Planning Board is also required.

This plan shall be reviewed at such time as the Provincial Land Use Committee of Cabinet or the Crown Land Classification Committee considers it necessary or when a Planning District Board is reviewing its Development Plan or 5 years after coming into effect of the plan or from the last review, as the case may be.

The Crown Land Classification Committee is responsible for ensuring that future plan reviews, proposed amendments and classification appeals are processed and implemented as per approved policy and procedure.

LAND USE IMPLEMENTATION

The land use intent as outlined in this Crown Land Use Classification Plan shall be carried out through the application of the "Interdepartmental Operational Crown Land Plan" prepared for each municipality in the Planning District.

Operational Crown Land Plans are prepared, amended and approved by the Crown Land Classification Committee. Appeals to operational plans shall also be directed to the Crown Land Classification Committee with the Provincial Land Use Committee the final authority.

These Operational Plans shall:

a) Be consistent with and carry out the intent of this Plan, and

b) Identify in map format the permitted uses and intensity of use for those parcels of Crown Land in the Planning District.

LAND USE ADMINISTRATION

The use of Crown land is administered through instruments such as leases, permits, contracts, agreements, etc. which are issued by the Crown to individuals, corporations, etc. or declared by the Crown through Orders-in-Council.

Most of the Crown land outside of Order-in-Council areas (i.e., Crown land not included in Provincial Parks, Provincial Forests and Wildlife Management Areas) is administered under the authority of the Crown Lands Act. This Act is administered by the Department of Natural Resources, Lands Branch with certain specified sections the responsibility of the Department of Agriculture, Agricultural Crown Lands Branch.

These contracts, leases, permits, agreements, etc. must be in conformity with this Plan and the Interdepartmental Operational Crown Land Plan.

Appendices

Appendix 1. Site Specific Crown Land Classification

Location	Size (Hectares)	Classification
None		